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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,761	11/29/2001	Edward P. Chromka	GP-301187(2760/5)	6025
7590 General Motors Corporation Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000			EXAMINER PEACHES, RANDY	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/997,761

Applicant(s)

CHRUMKA, EDWARD P.

Examiner

Randy Peaches

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's argument, see *Applicant's Arguments/Remarks*, filed 3/13/2007, with respect to the **35 USC § 101** rejection have been fully considered and are persuasive.

The **35 USC § 101** rejections of **claims 1-11** have been withdrawn.

2. Applicant's arguments filed 3/13/2007, in regards to the **35 USC § 102 and 103** rejections have been fully considered but they are not persuasive.

Regarding **claims 1-30**, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The Examiner maintains that Bhatia's B2B engine and content provider, collectively, is considered to perform the same functions as Applicant's claimed service management subsystem. In addition, according to Bhatia in paragraph [0121], the content provider/portal may be incorporated within the B2B engine as well; thus, make one single unit. Therefore, in contrast to the Applicant's argument that the Examiner has based his conclusion solely on the Applicant's Specification, one can clear see that the prior art of record Bhatia teaches of the occurrence as well.

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Lastly, the Applicant argues that Bhatia teaches away from such a combination, as asserted by the previous and current office action, by stating that the function of the B2B engine is to maintain the real-time information exchange between the mobile operator and the respective content provider. According to Bhatia paragraph [0121], Bhatia **supports** such combination.

Claims 1-31 stand rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-6, 8-16, 18-25 and 27-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Bhatia et al (U.S. Publication Number 2002/0090932 A1).

Regarding **claims 1, 12, 20**, Bhatia et al discloses a method, system and computer medium for directing service to a mobile subscriber, which reads on claimed "vehicle", equipped with a hardware and software medium, as disclosed in paragraph [0041]. (Also, reference the present specification on page 6 lines 21-23, where the applicant states that the vehicle client (10) can be a mobile device), comprising:

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- receiving, at a content provider (105, 110, 115) via a B2B engine (210), which reads on claimed collectively, "service management subsystem," configured to manage services and user personalization information (see paragraphs [0046, 0057 and 0121], wherein the Bhatia teaches, in paragraph [0121], that the functions of the content provider/portal can be incorporated into the B2B to function as one unit), a service request from a said mobile subscriber. See paragraph [0046-0047].
- receiving and updating, via the said content provider (105, 110, 115) and B2B engine (210), a said mobile subscriber location; See paragraph [0044, 0090]
- determining, at a said content provider (105, 110, 115) and B2B engine (210), a real-time subscriber delivery-enabling information, which reads on claimed "vehicle delivery-enabling information", based on the service request and the said subscriber location; see paragraph [0047].
- Customizing, which reads on claimed "configuring", at a said content provider (105, 110, 115) and B2B engine (210) the service corresponding to the service request based on the said real time subscriber delivery enabling information, wherein the service is customized by the said content provider; See paragraph [0047, 0055, 0056].
- providing the said customized information, from the said at content provider (105, 110, 115) and B2B engine (210); to the said mobile subscriber. See paragraph [0047].

The Examiner would like to further maintain that the Applicant's claimed, service management subsystem, has been interpreted by the Examiner as the collective elements of the said content provider (105, 110, 115) and B2B engine (210).

Regarding **claims 2, 13 and 21**, according to **claims 1, 12, 20**, Bhatia et al discloses in paragraph [0090], a Subscriber Identification Module (SIM) toolkit (454), which reads on claimed "vehicle communication component", capable of transmitting real-time information associated with a particular said mobile subscriber.

Regarding **claims 3 and 22**, according to **claims 2 and 21**, Bhatia et al discloses in paragraph [0090], of an ISDN number (MSISDN), which reads on claimed "vehicle identifier", used to identify user information and said mobile subscriber location.

Regarding **claims 4, 14 and 23**, according to **claims 1, 12, 20**, Bhatia et al discloses in paragraph [0044 and 0046], of communicating a list of portals, e.g. weather, restaurants, etc., via a telecom operator, which reads on claimed "channels or live agent", to a said mobile subscriber's SIM.

Regarding **claims 5, 15 and 24**, according to **claims 4, 14, 23**, Bhatia et al discloses selecting a said portal from a list of delivery portals to deliver the customized service corresponding to the service request. See paragraph [0046].

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Regarding **claims 6, 16 and 25**, according to **claims 5, 15, 24**, Bhatia et al discloses in paragraph [0046] of how the B2B engine upon receipt of the said real time information forwards this information to the said portal, thereby permitting the customization, which reads on claimed "optimization", according to the said mobile subscriber's preferences.

Regarding **claims 8, 18 and 27**, according to **claims 1, 12, 20**, Bhatia et al discloses creating a profile that includes real-time subscriber delivery-enabling information. See paragraph [0047].

Regarding **claims 9 and 28**, according to **claims 1 and 20**, Bhatia et al discloses wherein determining said real time subscriber delivery enabling information is based on personal preference, which reads on claimed "pre-determined", of the user input. See paragraphs [0045, 0058].

Regarding **claims 10 and 29**, according to **claims 1 and 20**, Bhatia et al discloses in paragraph [0045], of when a mobile subscriber turns "on" his/her device, the automatic pre-defined services are generated and sent to the said mobile subscriber based on the request sent out by the said mobile subscriber, when the said device was place in the "on" position. Only then, is when the said subscriber is able to receive information. Otherwise, the requesting information is being stored at the said portals until requested. Therefore, by definition, as cited in the Newton's Telecom Dictionary 2002 edition,

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electronic mail is any information that has been "stored" and "forwarded" by a service from a computer terminal or computer system.

Regarding **claims 11, 19 and 30**, according to **claims 1, 12, 20**, Bhatia et al discloses updating the said real-time subscriber delivery-enabling information at a Business-to-Business (B2B, 458), which reads on claimed "service management subsystem," while the application is in contact with a said SIM. See paragraph [0090].

Regarding **claim 31**, according to **claim 1**, Bhatia et al discloses in paragraphs [0093-0095] wherein each configured service sent to the vehicle is presented in a uniform manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 7, 17 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al (U.S. Publication Number 2002/0090932 A1) in view of Doi et al (U.S. Publication Number 2001/0014911).

Regarding **claims 7, 17 and 26**, according to **claim 1, 12 and 20**, Bhatia et al discloses a method, system and computer medium for directing service to a mobile subscriber, which reads on claimed "vehicle", equipped with a hardware and software medium, as disclosed in paragraph [0041], capable:

- receiving and updating a said mobile subscriber location; See paragraph [0044, 0090]
- determining a real-time subscriber delivery-enabling information, which reads on claimed "vehicle delivery-enabling information", based on the service request and the said subscriber location; See paragraph [0046].
- Customizing, which reads on claimed "configuring", the service corresponding to the service request based on the said real time subscriber delivery enabling information, wherein the service is customized by the B2B Engine (210);; See paragraph [0047, 0055, 0056].
- providing the said customized information to the said mobile subscriber. See paragraph [0047].

However, Bhatia et al does not disclose configuring a vehicle communication component in the vehicle based on the vehicle delivery-enabling information.

Doi et al teaches in paragraph [0013], of a mobile terminal comprising a dynamic user profile memory configured to store a dynamic user profile representing information dynamically changed by time.

Therefore at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Bhatia et al (U.S. Publication Number 2002/0090932

A1) to include Doi et al (U.S. Publication Number 2001/0014911) in order obtain a system, method and medium, that has the flexibility to allow different users to use the same said vehicle and afford the user the ability to change his/her preferences in the said system in order to receive the necessary information from the network.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches
RP


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER